

DENIED

VERIFIED PETITION FOR REZONING

2016-14 -PC

ORDINANCE NO. R- 2016-16

COUNCIL DISTRICT: CONSTANCE ROBINSON WARD 4

PETITIONER BWC LLC (D. Walrath, Agent) PHONE 812-455-8685
ADDRESS 1912 E. RIVERSIDE DRIVE, EVANSVILLE, IN ZIP CODE 47714
OWNER OF RECORD BWC LLC (D. Walrath, Agent) PHONE 812-455-8685
ADDRESS agent: 1908 E. RIVERSIDE DR., EVANSVILLE, IN ZIP CODE 47714

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
2. Premises affected are on the NORTH side of RIVERSIDE a distance of 300 feet WEST of the corner formed by the intersection of RIVERSIDE and WEINBACH.
Registered Neighborhood Association (if applicable) A.C.T. NEIGHBORHOOD ASSOCIATION

LEGAL DESCRIPTION: SEE LEGAL DESCRIPTION ATTACHED
(where applicable - If not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is 1912 E. RIVERSIDE DRIVE
4. The real estate is located in the Zone District designated as R-1
5. The requested change is to (Zone District) C-4 WITH USE & DEVELOPMENT COMMITMENT
6. Present existing land use is BREEDING KENNEL
7. The proposed land use is BREEDING KENNEL
8. Utilities provided: (check all that apply)
City Water ☒ Electric ☒ Gas ☒ Storm Sewer ☒
Sewer: Private ☐ Public ☐ Septic ☐
9. All attachments are adopted by reference.
10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above-described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 4/7/15

(when signed)

PETITIONER: BY

BWC LLC

PRINTED NAME BWC LLC BY: DEBORAH K. WALRATH

BWC LLC

DATE 4/7/15

(when signed)

OWNER OF RECORD BY:

PRINTED NAME BWC LLC BY: DEBORAH K. WALRATH

REPRESENTATIVE FOR PETITIONER

(Optional)

NAME STEVEN L. BOHLEBER

ADDRESS/ZIP 123 N.W. 4TH ST. EVANSVILLE, IN 47708

PHONE 423-4535

FILED

APR 11 2016

Jana Windner
CITY CLERK

EXHIBIT A

LEGAL DESCRIPTION

Part of the Northeast Quarter of the Northeast quarter of Section Four (4), Township Seven (7) South, Range Ten (10) West in the City of Evansville, Vanderburgh County, Indiana described as follows: Beginning at a point in the South line of said quarter quarter section, being also in the center of Riverside Drive, said point being One Hundred Sixty-eight and forty Hundredths (168.40) feet West of the Southeast corner of said quarter quarter section and extending thence West along said South line One Hundred Nine (109) feet; thence North Two Hundred Thirty-Seven (237) feet; thence East One Hundred Nine (109) feet; thence south Two Hundred Thirty-Seven (237) feet to the place of beginning. A strip of land Thirty (30) feet wide is reserved off the South side of the above described real estate for public use as Riverside Drive.

And commonly known as 1912 East Riverside Drive, Evansville, IN 47714.

C-2 C-1

MARGYBETH AVE

KATHLEEN AVE

C-4

B-1

FRISSE AVE

S WEINBACH AVE

FRISSE AVE

REZONE R-1 TO C-4 W/ UDC

E RIVERSIDE DR

ZOAR AVE

WOODSGLEN CT

S NORMAN AVE

S FREDERICK AVE

DAVCOHN AVE

CULVERSON AVE

DENIED

ORDINANCE NO. R- 2016-16

TAX CODE(S): _____

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 1912 E. Riverside Drive, Evansville, Indiana 47714.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO-WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Part of the Northeast Quarter of the Northeast quarter of Section Four (4), Township Seven (7) South, Range Ten (10) West in the City of Evansville, Vanderburgh County, Indiana described as follows: Beginning at a point in the South line of said quarter quarter section, being also in the center of Riverside Drive, said point being One Hundred Sixty-eight and forty Hundredths (168.40) feet West of the Southeast corner of said quarter quarter section and extending thence West along said South line One Hundred Nine (109) feet; thence North Two Hundred Thirty-Seven (237) feet; thence East One Hundred Nine (109) feet; thence south Two Hundred Thirty-Seven (237) feet to the place of beginning. A strip of land Thirty (30) feet wide is reserved off the South side of the above described real estate for public use as Riverside Drive.

by changing the zoning classification of the above-described real estate from R-1 to C-4 w/UDC, and said real estate is hereby so rezoned and reclassified.

Section 2: The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4: The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on _____ at Instrument No.: _____. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this ____ day of _____, 2016.

PRESIDENT

ATTEST:

City Clerk

DENIED

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the ____ day of _____, 2016.

City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance. and return same to the City Clerk this ____ day of _____, 2016, at _____, at _____ o'clock _____.

FILED

Mayor of the City of Evansville, Indiana

APR 11 2016

This instrument prepared by Steven L. Bohleber, Attorney at Law, 123 N.W. 4th St., Suite 503, Evansville, IN 47708.

Anna Widenor
CITY CLERK

USE AND DEVELOPMENT COMMITMENT

WHEREAS, BWC LLC is the titled owner of certain real estate situated in Evansville, Vanderburgh County, Indiana, and,

WHEREAS, BWC LLC by Deborah K. Walrath has filed a Rezoning Petition for a portion of said property commonly described as 1912 E. Riverside Drive, Evansville, Vanderburgh County, Indiana, which real estate is more particularly described as follows, to-wit:

Part of the Northeast Quarter of the Northeast quarter of Section Four (4), Township Seven (7) South, Range Ten (10) West in the City of Evansville, Vanderburgh County, Indiana described as follows: Beginning at a point in the South line of said quarter quarter section, being also in the center of Riverside Drive, said point being One Hundred Sixty-eight and forty Hundredths (168.40) feet West of the Southeast corner of said quarter quarter section and extending thence West along said South line One Hundred Nine (109) feet; thence North Two Hundred Thirty-Seven (237) feet; thence East One Hundred Nine (109) feet; thence south Two Hundred Thirty-Seven (237) feet to the place of beginning. A strip of land Thirty (30) feet wide is reserved off the South side of the above described real estate for public use as Riverside Drive.

And commonly known as 1912 East Riverside Drive, Evansville, IN 47714.

WHEREAS, the Real Estate is currently classified as an Residential (R-1) district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-4 with a Use and Development Commitment; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613.

NOW THEREFORE, in consideration of the foregoing, Petitioner makes the following Use and Development Commitment:

1. The use of the Real Estate shall be limited to the following C-4 uses only: Breeding Kennel as found at Evansville City Code Section 18.125.220(B)(1).

All Other uses are specifically prohibited.

2. Signage identifying the business shall be limited to one (1) 2x4 foot sign on the front of the structure.

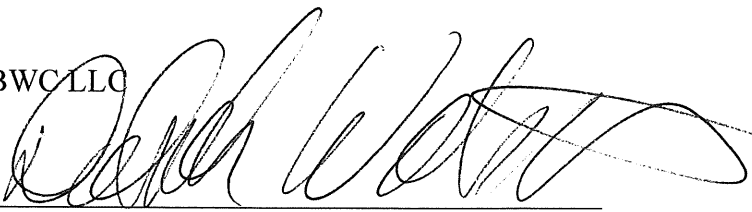
3. All of the commitments and undertakings herein expressed shall be binding on the petitioner and the petitioner's heirs, legal representatives, successors and assigns and shall run in favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced

by invoking any legal, equitable or special remedy, including specific performance, injunction or other equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 7th day of April 2016, by BWC LLC by Deborah K. Walrath, for the purposes set forth herein.

BWC LLC

By:


DEBORAH K. WALRATH


STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me the undersigned, a Notary Public for Vanderburgh County, State of Indiana, personally appeared DEBORAH K. WALRATH and she, being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 7th day of April 2016.

My Commission Expires:

8-6-16


Signature of Notary Public

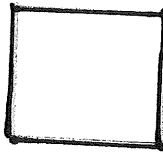
Steven L. Bohleber
Printed Name of Notary

This instrument prepared by Steven L. Bohleber, Attorney at Law, 123 N. W. Fourth Street, Suite 503, Evansville, Indiana 47708.

109'

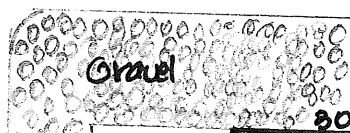
RWC, LLC, Petitioner
Rezoning R-1 to
C-4 with Use &
Development Commitment
1912 E. Riverside Drive

237'



1" = 30' - scale

Prepared by S. Bohleber



Gravel

30

33' 990ft²

8' Porch 240

15' →

16

WALK

RIVERSIDE DR.

